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REMOV

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*Attorneys for Defendant
Noteworld, LLC*

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

MARK BERNSTEIN, an individual;

Plaintiff,

vs.

NOTEWORLD, LLC, a Foreign Limited
Liability Company; SALVADOR
RODRIGUEZ, an individual; DOES I - X,
inclusive; and ROE CORPORATIONS I - X,
inclusive,

Defendants.

Case No.:

**DEFENDANTS' PETITION
FOR REMOVAL OF CIVIL ACTION**

(Formerly Case No. A596386 in the
Eighth Judicial District Court,
Clark County, Nevada)

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA:

The removing party Noteworld, LLC ("Noteworld"), respectfully shows:

1. Noteworld is a Defendant in the above-entitled action.

1 2. That the above-entitled action was commenced in the Eighth Judicial District
2 Court of the State of Nevada, in and for the County of Clark, and is now pending in that Court
3 under the designated Case No. A596386, Department IX.

4
5 3. On or about July 30, 2009, Plaintiff Mark Bernstein filed a Complaint, against
6 Defendants Noteworld, LLC and Salvador Rodriguez.

7 4. Service of Summons and Complaint upon Noteworld was effectuated by
8 personal service on September 29, 2009. Plaintiff's sole cause of action was for Quiet Title
9 pursuant to NRS 40.010.

10
11 5. On October 20, 2009, Noteworld filed a Motion to Dismiss, or in the alternative,
12 Motion for Summary Judgment ("Motion to Dismiss").

13 6. On November 9, 2009, Plaintiff filed an Opposition and Counterclaim for Leave
14 to File an Amended Complaint.

15 7. On November 20, 2009, Noteworld filed a Reply in Support of the Motion to
16 Dismiss and Opposition to Plaintiff's Countermotion for Leave to File and Amended
17 Complaint.

18
19 8. A hearing was held on November 24, 2009 on all pending motions. The Court
20 having considered the Motion, Opposition and Countermotion, Reply and Opposition, and
21 arguments of counsel under NRCP 56 and good cause appearing, granted Noteworld's Motion
22 to Dismiss In Part, and granted Plaintiff leave to amend the complaint. The Order was signed
23 by the Court on January 19, 2010.

24
25 9. On February 9, 2010, Noteworld filed a Motion for Attorney's Fees and Costs.
26 A hearing is scheduled for March 18, 2010 in chambers.
27
28

1 10. On February 16, 2010, Plaintiff filed his First Amended Complaint to Quiet
2 Title to Real Property and For Damages (“Amended Complaint”). The Amended Complaint
3 was received by counsel for Noteworld on February 17, 2010.
4

5 11. On March 4, 2010, Plaintiff filed his Opposition to Noteworld’s Motion for
6 Attorney’s Fees and Costs and Counterclaim for an Enlargement of Time to Serve Plaintiff’s
7 First Amended Complaint. Said Opposition was faxed to counsel for Noteworld on March 7,
8 2010.
9

10 12. The Plaintiff pled both state and federal law claims in the Amended Complaint.
11 Specifically, the Amended Complaint alleges that Noteworld violated 15 U.S.C. § 1692(e), 15
12 U.S.C. § 1692(f), and NRS 598.0915.
13

14 13. This Court has original jurisdiction over the subject matter of this action under
15 the provisions of Section 1331 of Title 28 of the United States Code in that it is an action
16 arising under 15 U.S.C. § 1692. The state law claims fall under this Court’s supplemental
17 jurisdiction under 28 U.S.C. § 1367 because the state and federal claims are part of the same
18 transaction. Pursuant to Section 1441(c) of Title 28 of the United States Code, Noteworld is
19 therefore entitled to remove this action to this Court.
20

21 14. The unknown defendants, DOES I – X and ROE CORPORATIONS I – X need
22 to be joined in the petition for removal. *Fristoe v. Reynolds Metals Co.*, 615 F.2d 1209, 1213
23 (9th Cir. 1980).
24

25 15. Defendant has not yet responded to the Amended Complaint. Thirty (30) days
26 have not elapsed since Defendant received a copy of the Amended Complaint. *See* 28 USC §
27 1446(c).
28

1 16. Copies of all process, pleadings, and other orders related to this action are
2 attached hereto.

3 17. A true and correct copy of this Notice of Removal will be filed with the Clerk of
4 the Eighth Judicial District Court of the State of Nevada, Case No. A596386, Department IX.
5

6 WHEREFORE, Petitioner prays that this action be removed.

7 DATED this 17th day of March, 2010.

8 THE COOPER CASTLE LAW FIRM, LLP
9

10 /s/ Huong X. Lam

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19 *Attorney for Defendant*
20 *Noteworld, LLC*

21 **CERTIFICATE OF SERVICE**

22 I HEREBY CERTIFY that on the 18th day of March, 2010, I served a true and
23 correct copy of the foregoing DEFENDANT'S PETITION FOR REMOVAL OF CIVIL
24 ACTION, via First Class U.S. Mail, postage pre-paid, to the party listed below:

25 Malcolm P. LaVergne, Esq.
26 The LaVergne Law Group
27 320 East Charleston Blvd., Suite 203
28 Las Vegas, NV 89104
Attorney for Plaintiff

/s/ Nora Chirinos

An employee of
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